

## **CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1552**

**Citations Affected:** IC 6-1.1; IC 14-8-2; IC 14-10-2-5; IC 14-16-1; IC 14-19-8; IC 14-22; IC 14-24-10-1; IC 14-24-10-4; IC 14-25-2-4; IC 14-26-2; IC 14-27-7.5; IC 14-28-1-22; IC 14-31-3-8; IC 14-37-4-6; IC 14-37-4-14; IC 25-36.5-1-7; IC 25-36.5-1-15; IC 6-1.1-6-8; IC 6-1.1-6.2-4; IC 6-1.1-6.2-6; IC 6-1.1-6.2-7; IC 6-1.1-6.2-8; IC 14-16-2; IC 14-19-4; IC 14-19-5; IC 14-22-12-10; IC 14-22-12-12; IC 14-22-12-13.

**Synopsis:** Natural resources. Conference committee report for EHB 1552. Makes changes to the classified forest and forest plantation programs. Requires the department of natural resources (DNR) to issue registration decals for off-road vehicles. Requires off-road vehicles purchased after December 31, 2003, to be registered. Creates exemptions to the off-road vehicle registration requirement. Allows certain persons to carry a loaded handgun while operating an off-road vehicle or a snowmobile. Increases the injury or damage level required for an off-road vehicle or snowmobile operator to file an accident report. Consolidates statutes governing the registration of off-road vehicles and snowmobiles. Prohibits gathering plants or artifacts on private land without the owner's consent. Defines "farmland" for certain hunting license requirements. Requires the department of natural resources to implement an automated point of sale hunting, fishing, and trapping licensing system. Provides for funding of the system. Provides for the bonding of an agent authorized to sell licenses until the earlier of the date the agent begins to offer licenses under the automated point of sale system or July 1, 2005. Removes authority of the circuit court clerk to designate subagents to sell licenses. Establishes procedures to suspend a person's driver's license for failure to appear in response to a summons issued by a conservation officer. Increases and establishes several fees. Deposits certain fees into new or existing funds. Allows the water resources development fund to be used for the operation of the division of water. Establishes new and increased fees the department must charge for the following: (1) A permit to alter a lake shoreline or bed. (2) A technical inspection of a low hazard or significant hazard dam. (3) A permit to make other uses of a floodway. Allows DNR to regulate the safety and maintenance of certain dams and structures. Removes references to private geologists in the dam inspection laws. Provides that dams have an engineering inspection. Establishes requirements to transfer an oil or gas well permit. Repeals certain provisions concerning classified land programs, state parks and reservoir funds, and agents who are not state employees

to retain hunting and fishing license service fees. Makes technical corrections and conforming amendments. (The introduced version of this bill was prepared by the natural resources study committee.) **(This conference committee report adds the following: (1) Requires off-road vehicles purchased after December 31, 2003 to be registered, with certain exemptions. (2) Requires the department of natural resources to implement an automated point of sale hunting, fishing, and trapping licensing system. Provides for funding of the system. Provides for the bonding of an agent authorized to sell licenses until the earlier of the date the agent begins to offer licenses under the automated point of sale system or July 1, 2005. Removes authority of the circuit court clerk to designate subagents to sell hunting and fishing licenses. Repeals a statute that permits only agents who are not state employees to retain license service fees. (3) Allows the water resources development fund to be used for the operation of the division of water. (4) Establishes new and increased fees the department must charge for a permit to alter a lake shoreline or bed, a technical inspection of a low hazard or significant hazard dam, and a permit to make other uses of a floodway. (5) Makes technical and conforming changes.)**

**Effective:** Upon passage; June 30, 2003; July 1, 2003; July 1, 2005.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1552 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 6-1.1-6-2 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2003]: Sec. 2. Land may be classified as a
- 4 forest plantation if it is cleared land which has growing on it a good
- 5 stand of timber producing trees as that concept is understood by
- 6 ~~competent foresters:~~ **a district forester or a professional forester.**
- 7 SECTION 2. IC 6-1.1-6-3 IS AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2003]: Sec. 3. Land may be classified as native
- 9 forest land if it ~~has never been plowed or cultivated and~~ contains at
- 10 least forty (40) square feet of basal area per acre or at least ~~one~~
- 11 ~~thousand (1,000)~~ **four hundred (400)** timber producing trees, of any
- 12 size, per acre.
- 13 SECTION 3. IC 6-1.1-6-3.5 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2003]: Sec. **3.5.** (a) **Open areas may exist within the confines of**
- 16 **a parcel of land identified as a native forest or a forest plantation**
- 17 **if the open areas do not exceed the lesser of five (5) acres or ten**
- 18 **percent (10%) of the total area to be classified under this chapter**
- 19 **and if the open areas contain any of the following:**

(1) Nonforest areas containing a good stand of vegetation capable of supporting wildlife that is conducive to wildlife management. A good stand of vegetation must include a diverse stand of vegetation other than monotypic stands or tall fescue (*Festuca arundinacea*). However, the state forester may allow tall fescue to be used for erosion control.

(2) Nonforest wetland areas.

(3) A body of water that:

(A) is less than two (2) acres in size; or

(B) has an average depth less than four (4) feet.

A parcel may contain more than one (1) isolated body of water.

(b) A parcel may not be converted from native forest land or a forest plantation to a non-forest area without a special permit issued under section 17 of this chapter.

SECTION 4. IC 6-1.1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. For purposes of this chapter, the following types of trees are not considered timber producing trees: dogwoods (*Cornus*); water-beech (*Carpinus*); ironwood (*Ostrya*); red bud (*Cercis*); ~~sassafras~~; ~~persimmon~~; pawpaw; black haw; ~~willows~~ (~~*Salix*~~); pomaceous trees; and Christmas trees which are grown for commercial purposes; **and other trees listed by the state forester.**

SECTION 5. IC 6-1.1-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A parcel of land may not be classified as native forest land or a forest plantation unless it contains at least ten (10) **contiguous** acres. ~~but~~ The parcel may be of any shape ~~whatsoever. This section does not apply to land classified before July 26, 1967:~~ **but must be at least fifty (50) feet in width.**

SECTION 6. IC 6-1.1-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) A landowner may file an application with the state forester under section 11 of this chapter to have classified as native forest land or a forest plantation a parcel of land that:

(1) consists of at least one (1) acre;

(2) meets the requirements of section 3 of this chapter; and

(3) is contiguous to a parcel of land owned by the landowner that is already classified as native forest land or a forest plantation.

(b) A parcel of land described in subsection (a) must be:

(1) described and platted under section 9 of this chapter; and

(2) assessed under section 10 of this chapter.

SECTION 7. IC 6-1.1-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. A parcel of land may not be classified as native forest land or as a forest plantation if a dwelling or other building is situated on the parcel. ~~However, this section does not apply if the building is utilized by the landowner for the purpose of maintaining a sugar camp or operating a sawmill.~~

SECTION 8. IC 6-1.1-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. A parcel of land may not be classified as native forest land or as a forest plantation if it is grazed by a domestic animal. ~~However, this section does not apply to domestic fowl if they do not have a detrimental effect on timber production.~~

**animals or confined nondomesticated animals.**

SECTION 9. IC 6-1.1-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) A person who wishes to have a parcel of land classified as native forest land or as a forest plantation must have it ~~surveyed the parcel described~~ by a registered land surveyor. The ~~surveyor shall make the survey~~ **parcel must be described** by metes and bounds **or other professionally accepted practices** and ~~he shall~~ **must** locate the parcel with reference to ~~some~~ **an** established corner. In addition, the ~~surveyor shall~~ **description must** identify the parcel by section, township, range, and county references. The surveyor shall prepare plats of the parcel in ink, and ~~he the~~ **surveyor** shall prepare the plats on the scale, and in the number, prescribed by the department of natural resources.

(b) The registered land surveyor may use an aerial photograph in order to ~~obtain~~ **prepare** a description of the parcel. However, the surveyor's description must be accurate and it must meet the requirements specified in subsection (a) of this section. If an aerial photograph is used, that fact shall be noted on the application referred to in section 11 of this chapter.

SECTION 10. IC 6-1.1-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. ~~(a) A person who wishes to have a parcel of land classified as native forest land or as a forest plantation must have the land assessed by the county assessor of the county in which the land is located.~~

~~(b)~~ **(a)** The county assessor shall assess the land at its fair market value, including any mineral, stone, oil, or gas value it may have; but, the county assessor shall not consider the standing timber on the land in making the assessment. In addition to assessing the specific parcel of land, the county assessor shall also assess, at its fair market value, all of the remaining land (exclusive of improvements) which is situated in the section in which the land proposed for classification lies and which is not within a city or town. In making these assessments, the county assessor shall value each quarter section separately and shall designate the assessment for each quarter section.

~~(c)~~ **(b)** If the assessment made by the county assessor is not satisfactory to the owner, ~~he the owner~~ may appeal the assessment to a board consisting of the assessor, auditor, and treasurer of the county in which the land proposed for classification is located. The decision of the board is final.

SECTION 11. IC 6-1.1-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. ~~(a) A person who wishes to have a parcel of land classified as native forest land or as a forest plantation must file an application in duplicate with the state forester on the forms prescribed by the state forester. The application must include the following items:~~

~~(1) The plats referred to in section 9 of this chapter.~~

~~(2) The assessment required under section 10 of this chapter entered in ink by the county assessor.~~

~~(3) The signature of the owner, the registered land surveyor, the state forester, and the county assessor.~~

(b) If an error or omission affecting the eligibility of the application is discovered by the state forester or county assessor, the state forester or county assessor shall promptly notify the applicant of the deficiency and allow the applicant to amend the application.

SECTION 12. IC 6-1.1-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. If in ~~his~~ **the state forester's** opinion an application filed under section 11 of this chapter and the land to be classified comply with the provisions of this chapter, the state forester shall approve the application. In addition, ~~he~~ **the state forester** shall notify the auditor ~~and the recorder~~ of the county in which the land is located that the application has been approved and ~~he shall~~ return one (1) approved application form to the applicant.

SECTION 13. IC 6-1.1-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. Land which is classified under this chapter as native forest land or as a forest plantation shall be assessed at one dollar ~~(\$1.00)~~ **(\$1)** per acre for general property taxation purposes.

SECTION 14. IC 6-1.1-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The natural resources commission shall, by rule, establish minimum standards of good timber **and wildlife** management.

(b) The department of natural resources shall prescribe a ~~timber~~ management plan for each classified forest **parcel**.

(c) The management plan must be followed for the owner to be in compliance with this chapter.

SECTION 15. IC 6-1.1-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. ~~(a) The state forester may issue special permits for the establishment of small lake areas, wildlife food plots, or similar uses that have the primary purpose of wildlife production or fire protection. The state forester may also~~ issue special permits for other purposes if the land use authorized by the permit is not inconsistent with this chapter. The maximum amount of land to be utilized in the manner authorized by a special permit may not exceed ~~one (1) acre~~ **the lesser of the following:**

**(1) Ten percent (10%) of the total acreage.**

**(2) Five (5) acres.**

~~(b) The landowner shall record a special permit in the office of the recorder of the county in which the land is situated.~~

SECTION 16. IC 6-1.1-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. The owner of a parcel of land which is classified as native forest land or as a forest plantation shall ~~mark~~ **post four (4) signs on** the parcel. ~~with four (4) signs.~~ The owner shall place the signs on the boundaries of, and on different sides of, the parcel at the points which are the most conspicuous to the public **or at the property corners**. The department of natural resources shall furnish the signs and shall designate the size and the wording of the signs.

SECTION 17. IC 6-1.1-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. At least once every five (5) years the state forester, or ~~his~~ **the state forester's** deputy, shall inspect each parcel of land which is classified as native forest land, or

as a forest plantation. On each inspection trip the **state** forester, or ~~his~~ **the state forester's** deputy, shall, if possible, have the owner go over the parcel with him and shall point out to the owner any needed improvement. In addition, ~~he the state forester~~ shall give the owner a written report of the inspection and ~~his the state forester's~~ recommendations. A permanent record of each inspection shall be maintained in the office of the state forester.

SECTION 18. IC 6-1.1-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. If the owner of land which is classified as native forest land or as a forest plantation wishes to have the land withdrawn from the classification, ~~he the owner~~ shall have the county assessor of the county in which the land is situated assess the land. The county assessor shall ~~make the assessment in the manner prescribed in section 10(b) of this chapter:~~ **determine the taxes that are required under section 24 of this chapter.** The owner shall then file a withdrawal request in duplicate with the state forester on forms prescribed by the state forester. The state forester shall withdraw the land from the classification on receipt of the withdrawal forms.

SECTION 19. IC 6-1.1-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. The state forester shall withdraw land which is classified as native forest land or as a forest plantation from the classification if ~~he the state forester~~ finds that the provisions of this chapter are not being complied with and that the owner of the land refuses to make the changes necessary for compliance. If the state forester withdraws land under this section, ~~he the state forester~~ shall have the county assessor of the county in which the land is situated assess the land. The county assessor shall ~~make the assessment in the manner prescribed in section 10(b) of this chapter:~~ **determine the taxes that are required under section 24 of this chapter.** In addition, the state forester shall immediately notify the owner that the land has been withdrawn.

SECTION 20. IC 6-1.1-6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. If an assessment made by a county assessor under section 20 or section 21 of this chapter is not satisfactory to the owner, ~~he the owner~~ may appeal the assessment in the manner prescribed in section ~~10(c)~~ **10(b)** of this chapter.

SECTION 21. IC 6-1.1-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. If land classified as native forest land or as a forest plantation is withdrawn from the classification, the state forester shall immediately notify the ~~recorder and the~~ auditor of the county in which the land is situated that the land has been withdrawn. In addition, when land is withdrawn, the owner of the land shall make a notation of the withdrawal in the records of the county recorder.

SECTION 22. IC 6-1.1-6-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. (a) If land that is classified as native forest land or as a forest plantation is withdrawn from the classification, the owner shall pay an amount equal to the sum

of:

(1) the total property taxes that, if it were not for the classification, would have been assessed on the land during the period of classification or the ten (10) year period immediately preceding the date on which the land is withdrawn from the classification, whichever is lesser; plus

(2) interest on the property taxes at the rate of ten percent (10%) **simple interest** per year.

(b) The liability imposed by this section is a lien upon the land withdrawn from the classification. When the amount is collected, it shall be paid into the county general fund. If the amount is not paid, it shall be treated in the same manner the delinquent taxes on real property are treated.

**(c) The county auditor shall determine the tax owed under subsection (a) using the assessment required in section 10(a) of this chapter.**

SECTION 23. IC 6-1.1-6-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. The expense of the **survey surveyor's plat** required by section 9 of this chapter shall be paid by the applicant. The expense of ~~an assessment which is required under this chapter~~ **a recording** shall be paid ~~from the county general fund of the county in which the parcel is located. For his services in making an assessment which is required under this chapter, the county assessor shall receive his necessary expenses.~~ **by the applicant.**

SECTION 24. IC 6-1.1-6.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. ~~For the purpose of property taxation certain~~ **This chapter applies to parcels a parcel** of land ~~may be~~ classified as a windbreak and assessed as provided in this chapter **before July 1, 2003.**

SECTION 25. IC 6-1.1-6.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A person who wishes to have a parcel of land **that is** classified as a windbreak **withdrawn from classification under section 15 of this chapter** must have the land assessed by the county assessor of the county in which the land is located.

(b) If the assessment made by the county assessor is not satisfactory to the owner, the owner may appeal the assessment to a board consisting of the assessor, auditor, and treasurer of the county in which the land ~~proposed for classification~~ is located. The decision of the board is final.

SECTION 26. IC 6-1.1-6.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. (a) A landowner may file an application with the department of natural resources under section 5 of this chapter to have a parcel of land classified as a wildlife habitat if:**

**(1) the parcel consists of at least one (1) acre;**

**(2) the parcel is contiguous to a parcel of land owned by the landowner that is already classified as a wildlife habitat;**

**(3) the parcel contains a good stand of vegetation that is capable of supporting wildlife species;**



- (4) the parcel is conducive to wildlife management;
- (5) the parcel does not contain a dwelling or other usable building;
- (6) no part of the parcel lies within a licensed shooting preserve; and
- (7) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel as that concept is understood by competent wildlife biologists.

(b) A parcel of land described in subsection (a) must be surveyed and platted under section 3 of this chapter.

SECTION 27. IC 14-8-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 16.5. "Automated point of sale licensing system", for purposes of IC 14-22, has the meaning set forth in IC 14-22-12-7.5(a).**

SECTION 28. IC 14-8-2-65 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 65. "Dealer" has the following meaning:

- (1) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-2.
- ~~(2) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-2.~~
- ~~(3)~~ (2) For purposes of IC 14-24, **the term** means a person who grows or buys nursery stock for the purpose of reselling or reshipping the stock in Indiana.

SECTION 29. IC 14-8-2-87.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 87.7. "Farmland", for purposes of IC 14-22-11-1, has the meaning set forth in IC 14-22-11-1.**

SECTION 30. IC 14-8-2-107, AS AMENDED BY P.L.145-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (4) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (5) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (6) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (7) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (8) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (9) For purposes of ~~IC 14-19-4~~, **IC 14-16-1**, the meaning set forth in ~~IC 14-19-4-1~~. **IC 14-16-1-30.**
- (10) For purposes of ~~IC 14-19-5~~, **IC 14-19-8**, the meaning set forth in ~~IC 14-19-5-1~~. **IC 14-19-8-1.**

- 1 (11) For purposes of IC 14-20-1, the meaning set forth in
- 2 IC 14-20-1-3.
- 3 (12) For purposes of IC 14-20-11, the meaning set forth in
- 4 IC 14-20-11-2.
- 5 (13) For purposes of IC 14-22-3, the meaning set forth in
- 6 IC 14-22-3-1.
- 7 (14) For purposes of IC 14-22-4, the meaning set forth in
- 8 IC 14-22-4-1.
- 9 (15) For purposes of IC 14-22-5, the meaning set forth in
- 10 IC 14-22-5-1.
- 11 (16) For purposes of IC 14-22-8, the meaning set forth in
- 12 IC 14-22-8-1.
- 13 (17) For purposes of IC 14-22-34, the meaning set forth in
- 14 IC 14-22-34-2.
- 15 (18) For purposes of IC 14-23-3, the meaning set forth in
- 16 IC 14-23-3-1.
- 17 (19) For purposes of IC 14-23-8, the meaning set forth in
- 18 IC 14-23-8-1.
- 19 (20) For purposes of IC 14-25-2-4, the meaning set forth in
- 20 IC 14-25-2-4.
- 21 (21) For purposes of IC 14-25-10, the meaning set forth in
- 22 IC 14-25-10-1.
- 23 (22) For purposes of IC 14-25-11-19, the meaning set forth in
- 24 IC 14-25-11-19.
- 25 (23) For purposes of IC 14-25.5, the meaning set forth in
- 26 IC 14-25.5-1-3.
- 27 (24) For purposes of IC 14-28-5, the meaning set forth in
- 28 IC 14-28-5-2.
- 29 (25) For purposes of IC 14-31-2, the meaning set forth in
- 30 IC 14-31-2-5.
- 31 (26) For purposes of IC 14-25-12, the meaning set forth in
- 32 IC 14-25-12-1.
- 33 (27) For purposes of IC 14-33-14, the meaning set forth in
- 34 IC 14-33-14-3.
- 35 (28) For purposes of IC 14-33-21, the meaning set forth in
- 36 IC 14-33-21-1.
- 37 (29) For purposes of IC 14-34-6-15, the meaning set forth in
- 38 IC 14-34-6-15.
- 39 (30) For purposes of IC 14-34-14, the meaning set forth in
- 40 IC 14-34-14-1.
- 41 (31) For purposes of IC 14-37-10, the meaning set forth in
- 42 IC 14-37-10-1.
- 43 SECTION 31. IC 14-8-2-188 IS AMENDED TO READ AS
- 44 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 188. "Operate" has the
- 45 following meaning:
- 46 (1) For purposes of IC 14-15, the act of navigating, driving,
- 47 steering, sailing, rowing, paddling, or otherwise moving or
- 48 exercising physical control over the movement of a watercraft.
- 49 (2) For purposes of IC 14-16-1, the meaning set forth in
- 50 IC 14-16-1-4.
- 51 (3) For purposes of IC 14-16-2, the meaning set forth in

1 ~~IC 14-16-2-3.~~

2 SECTION 32. IC 14-8-2-190 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 190. "Operator" has the  
4 following meaning:

5 (1) For purposes of IC 14-16-1, the meaning set forth in  
6 IC 14-16-1-5.

7 ~~(2) For purposes of IC 14-16-2, the meaning set forth in~~  
8 ~~IC 14-16-2-4.~~

9 ~~(3)~~ (2) For purposes of IC 14-34, except IC 14-34-4-8 and  
10 IC 14-34-8-4, a person, partnership, limited liability company, or  
11 corporation engaged in coal mining who removes or intends to  
12 remove more than two hundred fifty (250) tons of coal from the  
13 earth by coal mining within twelve (12) consecutive months in one  
14 (1) location.

15 ~~(4)~~ (3) For purposes of IC 14-34-4-8, the meaning set forth in  
16 IC 14-34-4-8.

17 ~~(5)~~ (4) For purposes of IC 14-34-8-4, the meaning set forth in  
18 IC 14-34-8-4.

19 ~~(6)~~ (5) For purposes of IC 14-36-1, the meaning set forth in  
20 IC 14-36-1-9.

21 ~~(7)~~ (6) For purposes of IC 14-37, a person who:

22 (A) is issued a permit under IC 14-37; or

23 (B) is engaging in an activity for which a permit is required  
24 under IC 14-37.

25 SECTION 33. IC 14-8-2-195, AS AMENDED BY P.L.148-2002,  
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2003]: Sec. 195. "Owner" has the following meaning:

28 (1) For purposes of IC 14-11-4, the meaning set forth in  
29 IC 14-11-4-2.

30 (2) For purposes of IC 14-15, a person who has the legal title to a  
31 watercraft.

32 (3) For purposes of IC 14-16-1, the meaning set forth in  
33 IC 14-16-1-6.

34 ~~(4) For purposes of IC 14-16-2, the meaning set forth in~~  
35 ~~IC 14-16-2-5.~~

36 ~~(5)~~ (4) For purposes of IC 14-25-4, the meaning set forth in  
37 IC 14-25-4-4.

38 ~~(6)~~ (5) For purposes of IC 14-27-7, the meaning set forth in  
39 IC 14-27-7-1.

40 ~~(7)~~ (6) For purposes of IC 14-27-7.5, the meaning set forth in  
41 IC 14-27-7.5-4.

42 ~~(8)~~ (7) For purposes of IC 14-36, the term includes the following:

43 (A) Owners in fee.

44 (B) Life tenants.

45 (C) Tenants for years.

46 (D) Holders of remainder of reversionary interests.

47 (E) Holders of leaseholds or easements.

48 (F) Holders of mineral rights.

49 ~~(9)~~ (8) For purposes of IC 14-37, a person who has the right to drill  
50 into and produce from a pool and to appropriate the oil and gas  
51 produced from the pool for:

(A) the person or others; or

(B) the person and others.

~~(10)~~ (9) For the purposes of IC 14-22-10-2, the meaning set forth in IC 14-22-10-2(c).

SECTION 34. IC 14-10-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

(1) IC 14-9.

(2) This article.

(3) IC 14-11.

(4) IC 14-12-2.

(5) IC 14-14.

(6) IC 14-17-3.

(7) IC 14-18, except IC 14-18-6 and IC 14-18-8.

(8) IC 14-19-1 ~~IC 14-19-4~~, and ~~IC 14-19-5~~: **IC 14-19-8.**

(9) IC 14-20-1.

(10) IC 14-21.

(11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.

(12) IC 14-23-1.

(13) IC 14-25, except IC 14-25-8-3, IC 14-25-11, and IC 14-25-13.

(14) IC 14-26.

(15) IC 14-27.

(16) IC 14-28.

(17) IC 14-29.

(18) IC 14-35-1, IC 14-35-2, and IC 14-35-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the secretary of state.

SECTION 35. IC 14-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. It is the general intent and purpose of the general assembly in enacting this chapter to promote:

(1) safety for persons and property;

(2) responsible enjoyment in and connected with the use and operation of off-road vehicles **and snowmobiles**; and

(3) understanding consistent with the rights of all the citizens of Indiana.

SECTION 36. IC 14-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter, "dealer" means a person engaged in the commercial sale of off-road vehicles **or snowmobiles**.

SECTION 37. IC 14-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) As used in this chapter, "off-road vehicle" means a motor driven vehicle capable of cross country travel:

(1) without benefit of a road; ~~or trail~~; and

(2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

(1) A multi-wheel drive or low pressure tire vehicle.

(2) An amphibious machine.

(3) A ground effect air cushion vehicle.

(4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

(1) A farm vehicle being used for farming.

(2) A vehicle used for military or law enforcement purposes.

(3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.

(4) A snowmobile.

(5) A registered aircraft.

(6) Any other vehicle properly registered by the bureau of motor vehicles.

(7) Any watercraft that is registered under Indiana statutes.

(8) A golf cart vehicle.

SECTION 38. IC 14-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. As used in this chapter, "operator" means an individual who:

(1) operates; or

(2) is in actual physical control of;  
an off-road vehicle **or a snowmobile.**

SECTION 39. IC 14-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. As used in this chapter, "owner" means a person, other than a lienholder, who:

(1) has the property in or title to; and

(2) is entitled to the use or possession of;  
an off-road vehicle **or a snowmobile.**

SECTION 40. IC 14-16-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. As used in this chapter, "vehicle" refers to an off-road vehicle **or a snowmobile.**

SECTION 41. IC 14-16-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Except as otherwise provided, ~~an off-road vehicle~~ **the following** may not be operated on public property unless registered:

**(1) An off-road vehicle.**

**(2) A snowmobile.**

**(b) Except as provided under subsection (c), an off-road vehicle that is purchased after December 31, 2003, must be registered under this chapter.**

**(c) Registration is not required for the following vehicles:**

**(1) A vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.**

**(2) A vehicle being operated by a nonresident of Indiana as authorized under section 19 of this chapter.**

**(3) A vehicle being operated for purposes of testing or demonstration with temporary placement of numbers as set forth in section 16 of this chapter.**

**(4) A vehicle the operator of which has in the operator's possession a bill of sale from a dealer or private individual that includes the following:**

1 (A) The purchaser's name and address.

2 (B) A date of purchase that is not more than thirty-one (31)  
3 days preceding the date that the operator is required to show  
4 the bill of sale.

5 (C) The make, model, and vehicle number of the vehicle  
6 provided by the manufacturer as required by section 13 of  
7 this chapter.

8 SECTION 42. IC 14-16-1-9 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The owner of  
10 each vehicle required to be registered under this chapter must do the  
11 following **every three (3) years**:

12 (1) File an application for registration with the department on  
13 forms provided by the department.

14 (2) Sign the application.

15 (3) **If the off-road vehicle is purchased after December 31,**  
16 **2003, include a copy of the bill of sale.**

17 (4) **Include a signed affidavit in which the applicant swears or**  
18 **affirms that the information set forth in the application by the**  
19 **applicant is correct.**

20 (5) Pay a fee of ~~six~~ **thirty** dollars ~~(\$6)~~ **(\$30)**.

21 (b) Upon receipt of an application in approved form, the department  
22 shall enter the application upon the department's records and issue to  
23 the applicant **the following**:

24 (1) A certificate of registration containing the following:

25 ~~(1)~~ (A) The number awarded to the vehicle.

26 ~~(2)~~ (B) The name and address of the owner.

27 ~~(3)~~ (C) Other information that the department considers  
28 necessary.

29 (2) **Two (2) decals indicating the vehicle's registration number**  
30 **and the year in which the registration will expire that must be**  
31 **attached to the vehicle as provided in section 11.5 of this**  
32 **chapter.**

33 (c) A certificate of registration must:

34 (1) be pocket size;

35 (2) accompany the vehicle; and

36 (3) be made available for inspection upon demand by a law  
37 enforcement officer.

38 SECTION 43. IC 14-16-1-10 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. The revenues  
40 obtained under this chapter shall be ~~dedicated to the department for the~~  
41 ~~following purposes~~:

42 ~~(1) Enforcement.~~

43 ~~(2) Constructing and maintaining vehicle trails;~~ **deposited into the**  
44 **off-road vehicle and snowmobile fund under IC 14-16-1-30.**

45 SECTION 44. IC 14-16-1-11 IS AMENDED TO READ AS  
46 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. ~~(a) The owner of a~~  
47 ~~vehicle who has been issued a certificate of registration for the vehicle~~  
48 ~~shall paint on or attach in a permanent manner to each side of the~~  
49 ~~forward half of the vehicle the identification number in block~~  
50 ~~characters of good proportion; not less than three (3) inches in height;~~  
51 ~~reading from left to right. The numbers must contrast with the~~

background so as to be distinctly visible and legible.

~~(b)~~ (a) The department may adopt rules for the size and placement of identification numbers registration decals upon vehicles. to which, because of structural design, the identification number cannot be attached as provided in this section.

~~(c)~~ (b) Not earlier than ninety (90) days before the expiration date of a certificate, a registration renewal decal or other device may be issued indicating that the certificate of registration is in full force and effect. The department shall adopt rules under IC 4-22-2 prescribing the display of the decal or other device.

~~(d)~~ (c) An initial certificate of registration and a renewal of a certificate awarded under this chapter expires three (3) years from the date of purchase of the certificate unless the certificate is canceled.

~~(e)~~ (d) The department may:

(1) award a certificate of number directly; or

(2) authorize a person to act as the department's agent for the awarding.

SECTION 45. IC 14-16-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11.5. (a) The owner of a vehicle shall attach the decals issued under section 9 of this chapter on the forward half of the vehicle. All decals shall be maintained in a legible condition and displayed only for the period for which the registration is valid.**

**(b) If a registration decal is lost or destroyed, the owner may apply for a duplicate on forms provided by the department. An application submitted under this subsection must be accompanied by a fee established by the department for each decal. Upon receipt of a proper application and the required fee, the department shall issue a duplicate registration decal to the owner.**

SECTION 46. IC 14-16-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The owner of a vehicle **required to be registered under this chapter** shall notify the department within fifteen (15) days if any of the following conditions exist:

(1) The vehicle is destroyed or abandoned.

(2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.

(3) The owner's address no longer conforms to the address appearing on the certificate of registration.

(b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.

(c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.

(d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee of ~~one dollar (\$1)~~, **established by the department**, a certificate of registration bearing the new information shall be returned to the owner.

(e) The transferee of a vehicle registered under this chapter shall, within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of registration issued to the vehicle. The transferee shall provide the transferee's name and address and the number of the vehicle and pay to the department a fee of ~~one dollar (\$1)~~; **established by the department**. Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vehicle to the new owner. Unless the application is made and the fee paid within fifteen (15) days, the vehicle is considered to be without a certificate of registration and a person may not operate the vehicle until a certificate is issued.

SECTION 47. IC 14-16-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. If a certificate of registration is lost, mutilated, or illegible, the owner of the vehicle may obtain a duplicate of the certificate upon application and payment of a fee of ~~one dollar (\$1)~~; **established by the department**.

SECTION 48. IC 14-16-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A dealer or manufacturer may obtain certificates of registration for use in the testing or demonstrating of vehicles upon the following:

(1) Application to the department upon forms provided by the department.

(2) Payment of ~~ten dollars (\$10)~~ **a fee established by the department** for each of the first two (2) registration certificates. Additional certificates that the dealer requires may be issued ~~at a cost of five dollars (\$5) each~~; **for a fee established by the department**.

(b) An applicant may use a certificate issued under this section only in the testing or demonstrating of vehicles by temporary placement of the numbers on the vehicle being tested or demonstrated. A certificate issued under this section may be used on only one (1) vehicle at any given time. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate issued under this section is valid for three (3) years.

SECTION 49. IC 14-16-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. A county, city, or town may pass an ordinance regulating the operation of vehicles if the ordinance meets substantially the minimum requirements of this chapter. However, a county, city, or town may not adopt an ordinance that does any of the following:

(1) Imposes a fee for a license.

(2) Specifies accessory equipment to be carried on the vehicles.

**(3) Requires a vehicle operator to possess a driver's license issued under IC 9-24-11 while operating an off-road vehicle or snowmobile.**

SECTION 50. IC 14-16-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) An individual shall not operate a vehicle under any of the following conditions:

(1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions **or in a manner that**



unnecessarily endangers the person or property of another.

(2) While:

(A) under the influence of intoxicating liquor; or

(B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within:

(A) one hundred (100) feet of an individual not in or upon a vehicle; or

(B) one hundred (100) feet of a fishing shanty or shelter;

except at a speed of not more than five (5) miles per hour.

(6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm unless the firearm is:

(A) unloaded; and

(B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

**(b) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person:**

**(1) has been issued an unlimited handgun license to carry a handgun under IC 35-47-2; or**

**(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.**

SECTION 51. IC 14-16-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. (a) The operator of a vehicle involved in an accident resulting in ~~injuries~~ **serious bodily injury** to or death of an individual or property damage in an estimated

amount of at least ~~one~~ **seven** hundred **fifty** dollars (~~\$100~~) (**\$750**) shall immediately, by the quickest means of communication, notify at least one (1) of the following:

- (1) A state police officer or conservation officer.
- (2) The sheriff's office of the county where the accident occurred.
- (3) The office of the police department of the municipality where the accident occurred.
- (b) The police agency receiving the notice shall do the following:
  - (1) Complete a report of the accident on forms prescribed by the director.
  - (2) Forward the report to the director.

SECTION 52. IC 14-16-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) All law enforcement officers in Indiana ~~including every enforcement officer of the department~~, shall enforce this chapter.

(b) The attorney general and prosecuting attorneys have concurrent power to approve, file, and prosecute an affidavit charging a violation of this chapter.

SECTION 53. IC 14-16-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) The department shall do the following:

- (1) Prescribe the form of accident reports and registration certificates and the form of application for the certificates.
- (2) Conduct a campaign of education with respect to safety in the operation of vehicles in connection with the use and enjoyment of the public and private land of Indiana and with respect to Indiana laws relating to vehicles.
- (3) Construct and maintain vehicle trails on public and private land consistent with the intent of this chapter.

**(b) Notwithstanding any other law, the department may purchase land for off-road vehicle and snowmobile trails only from a willing seller of the land.**

SECTION 54. IC 14-16-1-29, AS AMENDED BY P.L.158-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) **Except as provided in subsection (b)**, a person who violates ~~section 17, 23(2), or 24 of this chapter~~ commits a **Class B misdemeanor**:

~~(b) A person who violates section 8; 9; 11; 12; 13; 14; 18; 19; 20; 21; 23(1); 23(3); 23(4); 23(5); 23(6); 23(7); 23(8); 23(9); 23(10); 23(11); 23(12); 23(13); 23(14); or 27 of this chapter~~ commits a Class C infraction.

**(b) A person who violates section 18, 23(1), 23(2), or 24 of this chapter commits a Class B misdemeanor.**

SECTION 55. IC 14-16-1-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 30. (a) As used in this section, "fund" refers to the **off-road vehicle and snowmobile fund** established by subsection (b).

**(b) The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.**

**(c) The fund consists of the revenues obtained under this chapter,**

1 appropriations, and donations. Money in the fund shall be used for  
2 the following purposes:

3 (1) Enforcement and administration of this chapter.

4 (2) Constructing and maintaining off-road vehicle trails.

5 (3) Constructing and maintaining snowmobile trails.

6 (d) The treasurer of state shall invest the money in the fund not  
7 currently needed to meet the obligations of the fund in the same  
8 manner as other public money may be invested.

9 (e) Money in the fund at the end of the state fiscal year does not  
10 revert to the state general fund.

11 SECTION 56. IC 14-19-8 IS ADDED TO THE INDIANA CODE AS  
12 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2003]:

14 **Chapter 8. State Parks and Reservoirs Special Revenue Fund**

15 **Sec. 1.** As used in this chapter, "fund" refers to the state parks  
16 and reservoirs special revenue fund established by section 2 of this  
17 chapter.

18 **Sec. 2. (a)** The state parks and reservoirs special revenue fund is  
19 established.

20 (b) The fund shall be administered by the department.

21 **Sec. 3. (a)** The fund consists of the following:

22 (1) All revenues accruing to the department from the operation  
23 of the state parks.

24 (2) All revenues accruing to the department from the operation  
25 of reservoirs.

26 (3) Other sources as specified by law.

27 (b) The treasurer of state shall invest the money in the fund not  
28 currently needed to meet the obligations of the fund in the same  
29 manner as other public money may be invested.

30 **Sec. 4.** The money in the fund may be expended by the director  
31 exclusively for the operation of the state parks and reservoirs. The  
32 director shall submit, in accordance with IC 4-12-1, a suggested  
33 budget for appropriations and expenditures from the fund. The  
34 director shall use money appropriated by the general assembly  
35 from the fund to the department in accordance with this chapter  
36 and the terms of the appropriation.

37 **Sec. 5.** Unencumbered parts of appropriations made for a state  
38 fiscal year from the fund revert to the fund at the end of that state  
39 fiscal year unless otherwise specified by statute. Money in the fund  
40 does not revert to the state general fund at the end of a state fiscal  
41 year.

42 SECTION 57. IC 14-22-3-5 IS AMENDED TO READ AS  
43 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as  
44 provided in subsection (b), the money in the fund shall be used for the  
45 following purposes:

46 (1) Protecting and propagating game, fish, and birds in Indiana.

47 (2) Paying the operational expenses of the following:

48 (A) The fish and wildlife division.

49 (B) The law enforcement division.

50 (3) Maintaining the automated point of sale licensing system  
51 implemented under IC 14-22-12-7.5. However, the amount that

1        **may be used under this subdivision during a fiscal year may**  
 2        **not exceed the amount transferred on July 1 of that fiscal year**  
 3        **under IC 14-22-4-6.**

4        (b) Money in the fund that is attributable to money deposited under  
 5        IC 33-19-7-5 shall be used to administer the following:

- 6            (1) The turn in a poacher program established under IC 14-9-8-23.
- 7            (2) The reward system established under the program.

8        SECTION 58. IC 14-22-4-6 IS AMENDED TO READ AS  
 9        FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) On July 1 of each  
 10       year:

- 11            (1) all of the accumulated earnings in the fund; plus
- 12            (2) two and one-half percent (2 1/2%) of the money in the fund,
- 13            less the accumulated earnings;

14       shall be transferred to the fish and wildlife fund **to maintain the**  
 15       **automated point of sale licensing system implemented under**  
 16       **IC 14-22-12-7.5. Any unused part of the transfer under this**  
 17       **subsection may be used for the other purposes specified in**  
 18       **IC 14-22-3-5(a).**

19       (b) The money in the fund may be used for no other purpose.

20       SECTION 59. IC 14-22-10-1 IS AMENDED TO READ AS  
 21       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A person may not:

- 22            (1) fish, hunt, trap, or chase; ~~or~~
- 23            (2) shoot with any kind of firearm **or archery equipment;**
- 24            (3) **search for or gather any plant life (defined as the members**  
 25            **of the kingdoms Fungi and Plantae); or**
- 26            (4) **search for or gather any artifacts (as defined in**  
 27            **IC 14-21-1-2);**

28       upon privately owned land without having the consent of the owner or  
 29       tenant of the land.

30       SECTION 60. IC 14-22-11-1 IS AMENDED TO READ AS  
 31       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **As used in this**  
 32       **section, "farmland" means agricultural land that is:**

- 33            (1) **devoted or best adaptable for the production of crops,**  
 34            **fruits, timber, and the raising of livestock; or**
- 35            (2) **assessed as agricultural land for property tax purposes.**

36       (b) An individual may not take or chase, with or without dogs, a wild  
 37       animal without having a license, except as follows:

- 38            (1) An individual who is a resident or nonresident of Indiana while  
 39            participating in a field trial that has been sanctioned by the director  
 40            is not required to possess a license while participating in the trial.
- 41            (2) Subject to subsection ~~(c)~~; **(d)**, an owner of farmland located in  
 42            Indiana who is a resident or nonresident of Indiana and the spouse  
 43            and children living with the owner may hunt, fish, and trap without  
 44            a license on the land that the owner owns.
- 45            (3) A lessee of farmland who farms that land and is a resident of  
 46            Indiana and the spouse and children living with the lessee may  
 47            hunt, fish, and trap without a license on the leased land. This  
 48            subdivision does not apply to land that is:  
 49                (A) owned, leased, or controlled by; and  
 50                (B) leased from;  
 51            the department.

(4) An individual who:

(A) is less than thirteen (13) years of age;

(B) does not possess a bow or firearm; and

(C) is accompanying an individual who:

(i) is at least eighteen (18) years of age; and

(ii) holds a valid license;

may chase a wild animal without having a license.

~~(b)~~ (c) The exceptions provided in this section do not apply to a commercial license issued under this article.

~~(c)~~ (d) The right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license under subsection ~~(a)~~(2) ~~(b)~~(2) is subject to the following conditions:

(1) The nonresident may hunt, fish, and trap on the farmland without a license only if the state in which the nonresident resides allows residents of Indiana who own land in that state to hunt, fish, and trap on their land without a license.

(2) While hunting, fishing, or trapping on the farmland, the nonresident must keep proof that the nonresident owns the farmland (for example, a tax receipt identifying the nonresident as owner) in a place where the proof is readily accessible by the nonresident.

SECTION 61. IC 14-22-12-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 7.5. (a) As used in this section, "automated point of sale licensing system" means a system designed to dispense hunting, fishing, and trapping licenses.**

**(b) Before July 1, 2005, the department shall develop and implement an automated point of sale licensing system for use in Indiana for the sale of hunting, fishing, and trapping licenses to residents and nonresidents of Indiana.**

**(c) The department shall adopt rules under IC 4-22-2 to implement this section.**

SECTION 62. IC 14-22-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 8. (a) Except as provided in subsection (b),** Each license agent who is authorized to sell licenses under this article shall retain a seventy-five cent (\$0.75) service fee for each license sold.

~~(b) The subagents of the clerk of the circuit court are entitled to a fifty cent (\$0.50) service fee for each license sold. The remaining twenty-five cents (\$0.25) of the service fee shall be retained by the clerk of the circuit court or the distributing agent who distributes licenses to the subagents.~~

SECTION 63. IC 14-22-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. (a) Each clerk of the circuit court or agent selling licenses under this article shall report to the director within five (5) days after the close of each quarter the following:**

**(1) The number of each respective kind of licenses sold during the preceding quarter;**

**(2) The serial numbers of the licenses;**

(3) The number of unsold licenses of each kind remaining in the possession of the clerk or agent.

(b) At the time of making the report, the clerk or agent shall remit all money collected for the licenses.

(c) The clerk of the circuit court in each county shall retain as the property of the county the service fees provided by section 8 of this chapter from the sale of licenses sold by the clerk. The clerk shall pay the fees promptly into the county general fund as other fees are paid, subject to section 12 of this chapter.

SECTION 64. IC 14-22-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) Agents designated by the director and serving directly under the director's supervision must be bonded in the same manner and to the same effect as subagents. execute a bond meeting the following requirements:

(1) The bond is payable to the state in an amount:

(A) not less than five thousand dollars (\$5,000); but

(B) sufficient to cover the value of licenses distributed to the agent.

(2) The surety is approved by the director.

(3) The bond is conditioned on the proper selling of the licenses and proper accounting for all money due to the state.

(b) An agent's obligations under this section expire on the earlier of:

(1) the date on which the agent begins offering hunting, fishing, and trapping licenses for sale under an automated point of sale licensing system implemented under section 7.5 of this chapter;

or

(2) July 1, 2005.

SECTION 65. IC 14-22-39-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A conservation officer may issue a summons for a violation committed within the view of the conservation officer. if the defendant promises to appear by signing the summons

(b) A defendant who fails to appear as commanded by the summons (1) is in contempt of court. and

(2) may be fined not more than twenty dollars (\$20).

(c) Upon a failure to appear, the court shall issue a warrant for the arrest of the defendant.

(d) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(e) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is not an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles. The bureau of motor vehicles shall notify the bureau of motor vehicles commission of the state of the

1 nonresident defendant of the defendant's failure to appear and also  
 2 of any action taken by the bureau of motor vehicles relative to the  
 3 Indiana driving privileges of the defendant. The court shall then  
 4 mark the case as failure to appear on the court's records.

5 (f) If the bureau of motor vehicles receives a copy of the  
 6 summons or a summons for failure to appear in court, the bureau  
 7 of motor vehicles shall suspend the driving privileges of the  
 8 defendant until the defendant appears in court and the case has  
 9 been disposed of. The order of suspension may be served upon the  
 10 defendant by mailing the order by certified mail, return receipt  
 11 requested, to the defendant at the last address shown for the  
 12 defendant in the records of the bureau of motor vehicles. The order  
 13 takes effect on the date the order is mailed.

14 (g) For nonresidents of Indiana, the order of suspension shall be  
 15 mailed to the defendant at the address given to the arresting  
 16 conservation officer by the defendant as shown by the signed  
 17 summons. The order takes effect on the date of mailing. A copy of  
 18 the order shall also be sent to the bureau of motor vehicles of the  
 19 state of the nonresident defendant. If:

20 (1) the defendant's failure to appear in court has been certified  
 21 to the bureau of motor vehicles under this chapter; and

22 (2) the defendant subsequently appears in court to answer the  
 23 charges against the defendant;

24 the court shall proceed to hear and determine the case in the same  
 25 manner as other cases pending in the court. Upon final  
 26 determination of the case, the court shall notify the bureau of  
 27 motor vehicles of the determination upon forms prescribed by the  
 28 bureau of motor vehicles. The notification shall be made by the  
 29 court within ten (10) days after the final determination of the case,  
 30 and the original copy of the summons must accompany the  
 31 notification.

32 SECTION 66. IC 14-24-10-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The department  
 34 shall collect the following fees:

35 (1) For each license issued to a dealer, ~~thirty fifty~~ dollars ~~(~~\$30~~)~~:  
 36 ~~(~~\$50~~)~~. However, a certified nurseryman who has paid an inspection  
 37 fee may obtain a dealer's license for ~~ten twenty~~ dollars ~~(~~\$10~~)~~:  
 38 ~~(~~\$20~~)~~.

39 (2) For the inspection of a nursery, ~~twenty fifty~~ dollars ~~(~~\$20~~)~~ ~~(~~\$50~~)~~  
 40 plus an additional fee of ~~one dollar and fifty cents~~ ~~(~~\$1.50~~)~~ ~~three~~  
 41 ~~dollars~~ ~~(~~\$3~~)~~ for each acre of land containing nursery stock.

42 ~~(3) For the sale of a directory of persons licensed by the division~~  
 43 ~~to a person who is not licensed; three dollars~~ ~~(~~\$3~~)~~.

44 (b) The fees collected under this section shall be deposited in the  
 45 state general entomology and plant pathology fund established by  
 46 section 3 of this chapter.

47 SECTION 67. IC 14-24-10-4 IS ADDED TO THE INDIANA CODE  
 48 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 49 1, 2003]: Sec. 4. The department shall publish on the Internet a  
 50 directory of persons who have obtained nursery certificates and  
 51 nursery dealer licenses from the division under IC 14-24-5 and

**IC 14-24-7.**

SECTION 68. IC 14-25-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) As used in this section, "fund" refers to the water resources development fund created by this section.

(b) The water resources development fund is created. Money paid to the state under a contract entered into under this chapter shall be deposited in the fund.

(c) The proceeds of the fund do not revert to the state general fund but constitute a revolving fund to be used exclusively for the purposes of this chapter.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from the investments shall be deposited in the fund.

(e) ~~The budget agency shall make fund allotments from the fund to the commission~~ **Money in the fund may be used** for any of the following purposes:

- (1) The development of new reservoirs.
- (2) The investigation, development, and improvement of existing reservoirs.
- (3) The acquisition of easements or purchase in fee simple of land and property to be used as reservoir sites.
- (4) The financing, construction, operation, and maintenance of reservoir impoundments or parts of impoundments for water supply storage and uses, either independently or in cooperation with any person.
- (5) The investigation of water resource availability, quality, and water supply needs.
- (6) Watershed protection.
- (7) River enhancement.
- (8) The preparation of a compilation and mapping of all community public water supplies under IC 14-25-7-13(d).
- (9) The operation of the division of water.**

(f) ~~The commission department~~ shall administer the fund.

SECTION 69. IC 14-26-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) Upon written application by the owner of land abutting a public freshwater lake and payment of a nonrefundable fee of ~~twenty-five~~ **one hundred** dollars ~~(~~\$25~~), (\$100)~~, the department may issue a permit to:

- (1) change the shoreline; or
- (2) alter the bed;

of a public freshwater lake after investigating the merits of the application.

(b) As a condition precedent to granting a permit, an applicant must, in writing, do the following:

- (1) Acknowledge that all additional water area created is a part of the lake.
- (2) Dedicate the additional area to the general public use.

SECTION 70. IC 14-26-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) This section



1 applies to impoundments of the Tippecanoe River that are formed by  
 2 a dam or control structure owned and operated by a public utility for  
 3 the generation of hydroelectric power. **However, this section does not**  
 4 **restrict the department's ability to regulate the safety or**  
 5 **maintenance of a dam or other control structure under**  
 6 **IC 14-27-7.5.**

7 (b) As used in this section, "alterations to the shoreline" does not  
 8 include the making of canals or inlets.

9 (c) As used in this section, "construction" includes the building of a  
 10 pier.

11 (d) Notwithstanding any other law, the department may not regulate  
 12 or interfere with alterations to the shoreline of or construction on the  
 13 impoundments.

14 SECTION 71. IC 14-26-2-16 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) As used in this  
 16 section, "water supply reservoir" means a body of water formed by a  
 17 dam wholly owned and operated by a municipality or a public utility  
 18 (as defined in IC 8-1-2-1) for the purpose of providing water utility  
 19 service to the public. The term does not include the following:

20 (1) Tributary streams that drain into the body of water.

21 (2) Wetlands associated with those streams.

22 (b) Notwithstanding any other law, the department may not regulate  
 23 the following activities conducted within the one hundred (100) year  
 24 flood level of a water supply reservoir:

25 (1) Sediment removal, dredging for the purpose of providing water  
 26 supply storage, seawall construction, or the maintenance of water  
 27 intake structures.

28 (2) Restoration or stabilization of the shoreline.

29 (c) This section does not restrict the department's ability to regulate  
 30 the safety or maintenance of a dam or other control structure under  
 31 ~~IC 14-27-7.~~ **IC 14-27-7.5.**

32 SECTION 72. IC 14-27-7.5-9, AS AMENDED BY P.L.1-2003,  
 33 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2003]: Sec. 9. (a) The owner of a high hazard structure shall:

35 (1) have a professional engineer licensed under IC 25-31 make a  
 36 ~~technical~~ **an engineering** inspection of the high hazard structure  
 37 ~~and prepare or revise the emergency action plan for the structure~~  
 38 at least one (1) time every two (2) years;

39 (2) submit a report of the inspection in a form approved by the  
 40 department to the department. The report must include at least the  
 41 following information:

42 (A) An evaluation of the structure's condition, spillway capacity,  
 43 operational adequacy, and structural integrity.

44 (B) A determination of whether deficiencies exist that could lead  
 45 to the failure of the structure, and recommendations for  
 46 maintenance, repairs, and alterations to the structure to eliminate  
 47 deficiencies, including a recommended schedule for necessary  
 48 upgrades to the structure.

49 (b) If after an inspection under subsection (a) the licensed  
 50 professional engineer who conducted the inspection determines that  
 51 maintenance, repairs, or alterations to a high hazard structure are

necessary to remedy deficiencies in the structure, the owner shall perform the recommended maintenance, repairs, or alterations.

(c) The department shall issue a notice of violation under section 11 of this chapter to the owner of a high hazard structure who fails to:

- (1) have the structure inspected under subsection (a);
- (2) perform recommended maintenance, repairs, or alterations to the structure under subsection (b); or
- (3) biennially submit the inspection report prepared under subsection (a).

(d) The department may make ~~a technical~~ **an engineering** inspection of a high hazard structure to ensure compliance with this chapter.

SECTION 73. IC 14-27-7.5-10, AS ADDED BY P.L.148-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The department shall make ~~a technical~~ **an engineering** inspection of:

- (1) a significant hazard structure at least one (1) time every three (3) years; and
- (2) a low hazard structure at least one (1) time every five (5) years; or at more frequent intervals if the exigencies of the case require.

(b) The department shall place in the files of the department a report of each inspection conducted under subsection (a).

**(c) The department shall charge the following for engineering inspections:**

- (1) For a significant hazard structure under subsection (a)(1), a fee of two hundred dollars (\$200).**
- (2) For a low hazard structure under subsection (a)(2), a fee of one hundred dollars (\$100).**

SECTION 74. IC 14-27-7.5-14, AS ADDED BY P.L.148-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. The department and the department's agents, engineers, geologists, and other employees may, for purposes of determining the department's jurisdiction and performing the ~~technical~~ **engineering** inspections provided in sections 9 and 10 of this chapter, enter upon any land or water in Indiana without liability for trespass. The owner of a structure shall do the following:

- (1) Cooperate with the department and the department's agents, engineers, geologists, and other employees in the conduct of the inspections.
- (2) Facilitate access to the structure.
- (3) Furnish upon request the plans, specifications, operating and maintenance data, or other information that is pertinent to the structure.

SECTION 75. IC 14-28-1-22, AS AMENDED BY P.L.154-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the seven and one-half (7 1/2) minute topographic quadrangle map published by the United States Geological Survey,

- 1 measured along the meanders of the stream as depicted on the map.
- 2 (b) This section does not apply to the following:
- 3 (1) A reconstruction or maintenance project (as defined in
- 4 IC 36-9-27) on a stream or an open regulated drain if the total
- 5 length of the stream or open drain is not more than ten (10) miles.
- 6 (2) A construction or reconstruction project on a state or county
- 7 highway bridge in a rural area that crosses a stream having an
- 8 upstream drainage area of not more than fifty (50) square miles and
- 9 the relocation of utility lines associated with the construction or
- 10 reconstruction project if confined to an area not more than one
- 11 hundred (100) feet from the limits of the highway construction
- 12 right-of-way.
- 13 (3) The performance of an activity described in subsection (c)(1)
- 14 or (c)(2) by a surface coal mining operation that is operated under
- 15 a permit issued under IC 14-34.
- 16 (4) Any other activity that is determined by the commission,
- 17 according to rules adopted under IC 4-22-2, to pose not more than
- 18 a minimal threat to floodway areas.
- 19 (5) An activity in a boundary river floodway to which section 26.5
- 20 of this chapter applies.
- 21 (c) A person who desires to:
- 22 (1) erect, make, use, or maintain a structure, an obstruction, a
- 23 deposit, or an excavation; or
- 24 (2) suffer or permit a structure, an obstruction, a deposit, or an
- 25 excavation to be erected, made, used, or maintained;
- 26 in or on a floodway must file with the director a verified written
- 27 application for a permit accompanied by a nonrefundable fee of ~~fifty~~
- 28 **two hundred** dollars ~~(\$50): (\$200).~~
- 29 (d) The application for a permit must set forth the material facts
- 30 together with plans and specifications for the structure, obstruction,
- 31 deposit, or excavation.
- 32 (e) An applicant must receive a permit from the director for the work
- 33 before beginning construction. The director shall issue a permit only if
- 34 in the opinion of the director the applicant has clearly proven that the
- 35 structure, obstruction, deposit, or excavation will not do any of the
- 36 following:
- 37 (1) Adversely affect the efficiency of or unduly restrict the capacity
- 38 of the floodway.
- 39 (2) Constitute an unreasonable hazard to the safety of life or
- 40 property.
- 41 (3) Result in unreasonably detrimental effects upon fish, wildlife,
- 42 or botanical resources.
- 43 (f) In deciding whether to issue a permit under this section, the
- 44 director shall consider the cumulative effects of the structure,
- 45 obstruction, deposit, or excavation. The director may incorporate in and
- 46 make a part of an order of authorization conditions and restrictions that
- 47 the director considers necessary for the purposes of this chapter.
- 48 (g) A permit issued under this section:
- 49 (1) is void if construction is not commenced within two (2) years
- 50 after the issuance of the permit; and
- 51 (2) to:

- (A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or  
 (B) an electric utility for the construction of a power generating facility;

is valid for five (5) years from the date of issuance and remains valid indefinitely if construction is commenced within five (5) years after the permit is issued.

(h) The director shall send a copy of each permit issued under this section to each river basin commission organized under:

- (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or  
 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

that is affected.

(i) The permit holder shall post and maintain a permit issued under this section at the authorized site.

(j) For the purposes of this chapter, the lowest floor of a building, including a residence or abode, that is to be constructed or reconstructed in the one hundred (100) year floodplain of an area protected by a levee that is:

- (1) inspected; and  
 (2) found to be in good or excellent condition;

by the United States Army Corps of Engineers shall not be lower than the one hundred (100) year frequency flood elevation plus one (1) foot.

SECTION 76. IC 14-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) To obtain a ginseng dealer's license, a person must do the following:

- (1) Apply to the department for the license in the manner prescribed by the department.  
 (2) Pay a license fee of ~~twenty-five~~ **one hundred** dollars (~~\$25~~) **(\$100)** before August 15 of each year.

(b) A ginseng dealer's license expires annually on August 31.

SECTION 77. IC 14-37-4-6, AS AMENDED BY P.L.48-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A person must submit the following with an application for a permit:

- (1) A bond under IC 14-37-6.  
 (2) A permit fee of ~~one~~ **two hundred fifty** dollars (~~\$100~~) **(\$250)** payable to the department. **However, a person may apply for an expedited review of the application for a permit, except for a Class II or noncommercial well, by submitting a permit fee of seven hundred fifty dollars (\$750).**

(b) Permit fees collected under this section must be deposited in the oil and gas fund established by IC 6-8-1-27.

SECTION 78. IC 14-37-4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 14. To transfer the ownership of a permit for a well for oil or gas purposes, a person must submit the following:**

- (1) A transfer fee of fifteen dollars (\$15) payable to the department for each well. However, if an applicant submits more than fifty (50) applications simultaneously, the transfer fee for each application in excess of fifty (50) is ten dollars (\$10).**

**(2) The name and mailing address of the seller and buyer on a form prescribed by the commission.**

SECTION 79. IC 25-36.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The application fee or renewal fee for a registration certificate to operate as a timber buyer, is ~~eighty one hundred five~~ dollars ~~(\$80)~~: **(\$105)**. The fee for a certificate stating that a registration certificate has been issued and security filed is twenty dollars (\$20). All fees collected by the department accrue to the use of the department for its administrative purposes.

SECTION 80. IC 25-36.5-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) An individual who acts as the agent of a timber buyer must have an agent's license and carry the agent's card that verifies the license.

(b) An agent's license may be granted only:

(1) to qualified individuals;

(2) at the written application of the timber buyer who the agent is to represent; and

(3) under that timber buyer's registration certificate.

(c) The application for an agent's license must contain the agent's full name, address, and other information as required by the department on forms supplied by the department. Each timber buyer is responsible for all of the agent's activities performed while acting under the timber buyer's registration certificate as they pertain to this chapter.

(d) An application fee of ~~five ten~~ dollars ~~(\$5)~~ **(\$10)** for each agent shall be charged for the license and agent's card. However, each timber buyer shall designate a qualified individual to be licensed as its principal agent at no additional charge.

(e) An agent's license may be revoked by the department under IC 4-21.5 if the agent does not comply with this section.

(f) An agent may have a license to represent only one (1) timber buyer; however, upon surrendering the agent's card and license under one (1) timber buyer, an individual may be licensed as an agent of another timber buyer.

(g) A timber buyer may not be licensed as an agent except as the principal agent of that timber buyer.

(h) A timber buyer may not effect or attempt to effect a purchase except through an agent.

(i) A timber buyer may terminate an agency relationship by notifying in writing the agent and the department. Termination of an agency relationship revokes the agent's license.

(j) A person who acts as an agent without a license commits a Class B misdemeanor.

SECTION 81. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 6-1.1-6-8; IC 6-1.1-6.2-4; IC 6-1.1-6.2-6; IC 6-1.1-6.2-7; IC 6-1.1-6.2-8; IC 14-16-2; IC 14-19-4; IC 14-19-5.

SECTION 82. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 14-22-12-10; IC 14-22-12-12; IC 14-22-12-13.

SECTION 83. P.L.148-2002, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: (a) As used in this SECTION, "department" refers to the department of natural

1 resources.

2 (b) Notwithstanding IC 14-27-7.5-8, as added by this act, and  
3 IC 14-27-7, as amended by this act, the department may continue to  
4 issue permits for dams under ~~IC 14-27-7~~ **IC 14-28-1** until the rules  
5 concerning permitting under IC 14-27-7.5 become effective.

6 (c) Notwithstanding IC 14-27-7.5, as added by this act, a permit for  
7 a dam issued under ~~IC 14-27-7~~ **IC 14-28-1** remains valid until the  
8 expiration of the permit.

9 (d) This SECTION expires June 30, 2007.

10 SECTION 84. P.L.155-2002, SECTION 13, IS AMENDED TO  
11 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION  
12 13. (a) Notwithstanding IC 14-34-13-1 and IC 14-34-13-2, the  
13 following reclamation fee schedule applies with respect to coal mining  
14 operations for the period beginning April 1, 2002, and ending June 30,  
15 ~~2003~~ **2005**:

16 (1) All operators of surface coal mining operations subject to  
17 IC 14-34 shall pay to the department of natural resources for  
18 deposit in the natural resources reclamation division fund  
19 established by IC 14-34-14-2 a reclamation fee of five and  
20 five-tenths cents (\$0.055) per ton of coal produced.

21 (2) All operators of underground coal mining operations subject to  
22 IC 14-34 shall pay to the department of natural resources for  
23 deposit in the natural resources reclamation division fund  
24 established by IC 14-34-14-2 a reclamation fee of three cents  
25 (\$0.03) per ton of coal produced.

26 (b) After June 30, ~~2003~~ **2005**, the reclamation fees paid by coal  
27 mining operators are the amounts per ton specified in IC 14-34-13-1  
28 and IC 14-34-13-2, as amended by this act.

29 (c) This SECTION expires January 1, ~~2004~~ **2006**.

30 SECTION 87. [EFFECTIVE JUNE 30, 2003] (a) **On July 1, 2003:**

31 (1) **any money in the state parks special revenue fund under**  
32 **IC 14-19-4 before its repeal by this act; and**

33 (2) **any money in the reservoirs special revenue fund under**  
34 **IC 14-19-5 before its repeal by this act;**

35 **shall be transferred by the department of natural resources to the**  
36 **state parks and reservoirs special revenue fund established by**  
37 **IC 14-19-8-2, as added by this act.**

38 (b) This SECTION expires July 2, 2003.

39 SECTION 88. [EFFECTIVE JULY 1, 2003] (a) A certificate of  
40 registration purchased under IC 14-16-2, before its repeal by this  
41 act, is valid for three (3) years after the date of purchase. A valid  
42 certificate of registration purchased under IC 16-14-2, before its  
43 repeal by this act, satisfies the requirements of IC 14-16-1, as  
44 amended by this act.

45 (b) This SECTION expires July 1, 2006.

46 SECTION 89. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding  
47 IC 14-22-4-6, as amended by this act, on July 1, 2003, an amount  
48 not to exceed twenty-five percent (25%) of the money in the  
49 lifetime hunting, fishing, and trapping license trust fund  
50 established by IC 14-22-4-2 shall be transferred to the fish and  
51 wildlife fund established by IC 14-22-3-2 to develop and implement

- 1     **the automated point of sale licensing system under IC 14-22-12-7.5,**
- 2     **as added by this act.**
- 3     **(b) This SECTION expires June 30, 2006.**
- 4     **SECTION 90. An emergency is declared for this act.**  
      (Reference is to EHB 1552 as reprinted April 9, 2003.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1552**

**S**igned by:

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Representative Bischoff  
Chairperson

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Senator Weatherwax

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Representative Mangus

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Senator Young R

**House Conferees**

**Senate Conferees**